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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FELIX PENA,

Plaintiff,

-against-

WEATHERBEE CONSTRUCTION CORPORATION,

Defendant.

05 CV 3839 (ARR)(LB)

**STIPULATION OF
DISMISSAL
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the respective parties that (1) the within action be and hereby is dismissed with prejudice, without costs to either party; (2) the parties are obligated to comply with the terms of the Settlement Agreement ("Agreement") executed by both parties to resolve the within action; and (3) the United States District Court, Eastern District of New York, retains jurisdiction for the purpose of enforcing the Agreement.

Dated: New York, New York
December 21, 2005

FORD & HARRISON LLP

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Felix Pena
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By: David M. Safon
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SO ORDERED:

U.S.D.J. Ailene A. Ross

12/22/05